

AMENDED IN ASSEMBLY SEPTEMBER 4, 2003

AMENDED IN SENATE JUNE 3, 2003

AMENDED IN SENATE APRIL 22, 2003

AMENDED IN SENATE MARCH 25, 2003

SENATE BILL

No. 964

Introduced by Senator Burton
(Coauthor: Assembly Member Pavley)

February 21, 2003

An act to add ~~Section 60852.5~~ *Sections 60852.5 and 60852.6* to the Education Code, relating to the high school exit examination, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 964, as amended, Burton. High school exit examination.

Existing law requires, commencing with the 2003–04 school year, each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school.

This bill would require the Superintendent of Public Instruction to develop, and the State Board of Education to approve, by January 31, 2004, a request for a proposal for an independent consultant to assess options and provide recommendations for alternatives to the high school exit examination for pupils with disabilities to be eligible for a high school diploma. The bill would require the independent consultant to be selected by a selection panel established by this bill by April 30, 2004. The bill would require the superintendent to establish, by April 30, 2004, an advisory panel, composed of members with prescribed

qualifications for the purpose of advising the independent consultant. The bill would require the independent consultant to provide the advisory panel with a preliminary report and to prepare and disseminate a final report by May 1, 2005. The bill would authorize the superintendent, upon approval of an expenditure plan by the Department of Finance and the Joint Legislative Budget Committee, to provide funds for the purposes of implementing the recommendations of the independent consultant.

This bill would provide that the members of the advisory panel shall serve without compensation for a term of one year and would require the State Department of Education to provide staff and resources to the advisory panel.

~~This bill would until March 1, 2007, prohibit use of the high school exit examination for the above purposes with respect to a pupil who is an individual with exceptional needs, as defined by state or federal law. The bill would authorize the use of the high school exit examination for the above purposes after March 1, 2007, for those pupils only if the Superintendent of Public Instruction demonstrates by impartial and specific evidence specified conditions. The bill would permit the high school exit examination to only be given on a voluntary basis to individuals with exceptional needs until the superintendent has met all of the specified conditions.~~

~~This bill would reappropriate provide that the \$1,000,000 appropriated in Schedule 12 of Item 6110-113-0890 of Section 2.00 of the Budget Act of 2003 from the Federal Trust Fund, shall be available for the purposes of alternative assessments for pupils with exceptional needs the independent consultant and his or her report and to support the approved options pursuant to this bill.~~

Vote: majority. Appropriation: ~~yes~~ *no*. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 60852.5 is added to the Education Code,
- 2 to read:
- 3 ~~60852.5. (a) Notwithstanding Section 60851, a pupil who is~~
- 4 ~~60852.5. (a) By January 31, 2004, the Superintendent of~~
- 5 ~~Public Instruction shall develop, and the State Board of Education~~
- 6 ~~shall approve, a request for a proposal for an independent~~
- 7 ~~consultant to assess options and provide recommendations for~~

1 *alternatives to the high school exit examination for pupils with*
2 *disabilities to be eligible for a high school diploma. By April 30,*
3 *2004, an independent consultant shall be selected by a selection*
4 *panel consisting of one representative appointed by each of the*
5 *following persons and entities:*

6 (1) *The President pro Tempore of the Senate.*

7 (2) *The Speaker of the Assembly.*

8 (3) *The Legislative Analyst's Office.*

9 (4) *The State Department of Education.*

10 (5) *The Department of Finance.*

11 (b) *The independent consultant should possess expertise on the*
12 *federal Individuals with Disabilities Education Act (20 U.S.C.*
13 *Sec. 1400 et seq.) and applicable state law, as well as assessment*
14 *methodologies concerning pupils with disabilities.*

15 (c) *The independent consultant shall, in consultation with the*
16 *advisory panel established pursuant to Section 60852.6, prepare*
17 *a report that does all of the following:*

18 (1) *Recommends options for graduation requirements and*
19 *assessments for pupils who are individuals with exceptional needs,*
20 *as defined in Section 56026, or who are disabled, as defined in*
21 *Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C.*
22 *Sec. 794).*

23 (2) *Identifies those provisions of state and federal law and*
24 *regulation that are relevant to graduation requirements and*
25 *assessments for pupils who are individuals with exceptional needs.*

26 (3) *Recommends the steps that would be taken to bring*
27 *California into full compliance with the state and federal law and*
28 *regulations that are identified pursuant to paragraph (2).*

29 (d) *The independent consultant shall provide the advisory*
30 *panel established pursuant to Section 60852.6 with a preliminary*
31 *report of findings and shall include the advisory panel's concerns*
32 *and recommendations in a final report. The final report shall be*
33 *disseminated to the members of the advisory panel, the*
34 *Legislature, the Legislative Analyst's Office, the Department of*
35 *Finance, the State Department of Education, and interested*
36 *parties no later than May 1, 2005.*

37 (e) *The Superintendent of Public Instruction may, upon*
38 *approval of an expenditure plan by the Department of Finance and*
39 *the Joint Legislative Budget Committee, provide funds for the*

1 *purposes of implementing the recommendations provided*
2 *pursuant to subdivision (c).*

3 *SEC. 2. Section 60852.6 is added to the Education Code, to*
4 *read:*

5 *60852.6. (a) The Superintendent of Public Instruction shall*
6 *establish, by April 30, 2004, a 15-member High School Exit*
7 *Examination for Pupils With Disabilities Advisory Panel to advise*
8 *the independent consultant selected pursuant to Section 60852.5.*
9 *The members of the advisory panel shall be composed of the*
10 *following individuals:*

11 *(1) Three parents or guardians of pupils with disabilities.*

12 *(2) An individual with disabilities.*

13 *(3) Three credentialed teachers who work with pupils with*
14 *disabilities.*

15 *(4) Two representatives of institutions of higher education that*
16 *prepare special education and related services personnel.*

17 *(5) A director of a special education local planning area.*

18 *(6) Two school administrators whose duties relate to the*
19 *provision of services to pupils with disabilities.*

20 *(7) A representative from the State Department of Education.*

21 *(8) A representative of a vocational, community, or business*
22 *organization concerned with the provision of transition services to*
23 *pupils with disabilities.*

24 *(9) A representative of community-based organizations*
25 *providing special education and related services.*

26 *(b) The members of the advisory panel shall serve without*
27 *compensation for a term of one year and shall be representative of*
28 *the state's ethnic and cultural diversity and gender balance. The*
29 *Superintendent of Public Instruction shall also make every effort*
30 *to ensure that the panel is representative of the state's diversity*
31 *relative to urban, suburban, and rural areas. The State*
32 *Department of Education shall provide staff and resources to the*
33 *advisory panel.*

34 *SEC. 3. Of the funds appropriated in Schedule 12 of Item*
35 *6110-113-0890 of Section 2.00 of the Budget Act of 2003, the*
36 *amount of four hundred thousand dollars (\$400,000) shall be*
37 *available for the purposes of Section 60852.5 of the Education*
38 *Code. The balance of six hundred thousand dollars (\$600,000)*
39 *shall be available until June 30, 2006, to support approved options*

1 pursuant to subdivision (e) of Section 60852.5 of the Education
2 Code.

3 ~~an individual with exceptional needs, as defined in Section 56026,~~
4 ~~or who is disabled, as defined in Section 504 of the federal~~
5 ~~Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), shall not be~~
6 ~~required to pass the high school exit examination as a condition of~~
7 ~~receiving a diploma of graduation or a condition of graduation~~
8 ~~from high school until March 1, 2007. After March 1, 2007, the~~
9 ~~high school exit examination may be used for these purposes with~~
10 ~~respect to those pupils only if the Superintendent of Public~~
11 ~~Instruction demonstrates by impartial and specific evidence all of~~
12 ~~the following:~~

13 ~~(1) The high school exit examination has both instructional and~~
14 ~~curricular validity for individuals with exceptional needs.~~

15 ~~(2) The individualized education programs of individuals with~~
16 ~~exceptional needs, as developed pursuant to Article 3~~
17 ~~(commencing with Section 56340) of Chapter 4 of Part 30, have~~
18 ~~been aligned, both with the curriculum and with the skills and~~
19 ~~knowledge that the high school exit examination is designed to~~
20 ~~measure.~~

21 ~~(3) The state has in place alternate methods of assessment,~~
22 ~~other than the high school exit examination or standardized tests,~~
23 ~~for those individuals with exceptional needs that cannot be fairly~~
24 ~~evaluated on standardized tests.~~

25 ~~(4) A reasonable accommodations policy for individuals with~~
26 ~~exceptional needs in taking the high school exit examination is in~~
27 ~~place, which allows the pupils to use, without invalidating their~~
28 ~~test scores, those reasonable accommodations set forth in their~~
29 ~~individualized education programs.~~

30 ~~(b) Until all of the conditions set forth in subdivision (a) have~~
31 ~~been met by the Superintendent of Public Instruction, the high~~
32 ~~school exit examination shall only be given on a voluntary basis~~
33 ~~to individuals with exceptional needs.~~

34 ~~(c) An individual with exceptional needs that passes an~~
35 ~~alternate assessment to the high school exit examination is entitled~~
36 ~~to a regular high school diploma if the pupil otherwise meets the~~
37 ~~requirements for graduation from high school.~~

38 ~~(d) For the purposes of this section, “accommodations,”~~
39 ~~“curricular validity,” and “instructional validity” have the~~
40 ~~meanings set forth in subdivision (f) of Section 60850.~~

1 ~~SEC. 2.—From funds appropriated from the Federal Trust Fund~~
2 ~~pursuant to Item 6110-113-0890 of Section 2.00 of the Budget Act~~
3 ~~of 2003, the sum of one million dollars (\$1,000,000) is hereby~~
4 ~~reappropriated for the purposes of alternate assessments for pupils~~
5 ~~with exceptional needs pursuant to Section 60852.5 of the~~
6 ~~Education Code.~~

